

Sexual Harassment Policy

Know the limit



Students and Employees' Rights and Responsibilities

Know Where The Line Is

Policy Statement

United States International University-Africa prohibits and strongly condemns Sexual harassment, sexual violence, domestic violence, dating violence, committed by students or employees, whether on or off campus, or by any individual on campus or within its programs or activities. Any form of such harassment or violence shall therefore not be tolerated.

November, 2016
Be Aware, Act to Prevent and Protect

What is sexual harassment?

It is the persistent unwelcome sexual advance, request for sexual favor, and other verbal, visual or physical conduct of a sexual nature by a person in a position of authority. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education and unreasonably interferes with an individual's learning or work performance or creates an intimidating, hostile, humiliating or offensive academic or working environment.

When and where is sexual harassment unlawful?

Sexual harassment is unlawful not only during working/teaching/learning hours but also in any university related context including conferences, work functions, sports, university trips and parties but also off the university as long as it involves students, staff and faculty.
Note: Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off and can take different forms.

What are the different forms of sexual harassment?

PHYSICAL SEXUAL HARASSMENT: This occurs when a victim has been touched in an inappropriate way against his or her own will. Example: Stalking with an intention to sexually harass the victim; Obscene gestures; Groping; Subtle pressure for sexual activity; Unwelcome/uninvited physical contact such as massaging a person without invitation, hugging, pinching, patting, grabbing in a sexual manner. repeated unwanted sexual invitations, insistent requests for dinner, drinks or dates, persistent letters, phone calls and other invitations.

VERBAL SEXUAL HARASSMENT: This may be oral or written and may include and not limited to: Demeaning references to either the male or female gender; Comments that are sufficiently offensive to cause discomfort and interfere with work or learning. Visual Sexual harassment: This is the use of different forms of visual media to suggest inappropriate sexual advances. Technological sexual harassment is the inappropriate use of photography, email and internet.

SEXUAL BRIBERY: Solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle.

Which laws prohibit sexual harassment?

Sexual Harassment is against Kenyan Laws; The Constitution of Kenya (Article 27 & 29) ; Sexual Offences Act No. 3, 2016; Employment Act of 2007; and International Laws such as; The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); The International Labour Organisation Discrimination (Employment and Occupation) Convention (No.111) ; The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. 1681 et seq., is a Federal civil rights law in the USA.

What should I do if I am sexually harassed?

- First Acquaint yourself with the USIU-Africa sexual harassment policy, which you can download from the website www.usiu.ac.ke.
- You could talk to the person or people involved , tell them you object to what they are doing and ask they stop. If they don't, Report and raise a complaint.
- All members of the USIU-Africa community who experience or witness sexual violence, discrimination or harassment from faculty, adjunct faculty, staff, students, alumni, consultants, contractors, visitors and guests are encouraged to report such incidents without fear of retaliation. The University shall not retaliate and will protect all from retaliation and those found to have retaliated will be subject to disciplinary action up to and including dismissal or expulsion. In certain cases, the University may pursue an investigation without a formal complaint being lodged.

Note: Delayed reporting may hinder proper investigations. All members of the USIU Africa Community have a Duty of good faith: The university shall not tolerate false claims. A person who knowingly makes false allegations of sexual harassment, or who knowingly provides false information in a sexual harassment investigation or proceeding, shall be subject to disciplinary action, up to and including termination or expulsion.

The University undertakes to respond promptly to all reported cases. In case of sexual assault the University will assist the victim with consent to notify the relevant authorities.

Where do I file my complaint?

Reports of sexual discrimination or harassment shall be lodged using the Complaint Form downloaded from the University website or obtained at any of the following offices:

The Director of Human Resource or the designee-for staff and faculty
If the matter involves the Director of Human Resource then the reporting will be done to the Vice Chancellor or the designee. The Associate Deputy Vice Chancellor-Student Affairs or the designee-for students.
If the matter involves the Associate Deputy Vice Chancellor Student Affairs then the matter will be reported to the Deputy Vice Chancellor Academic and Student Affairs or the designee or the Vice Chancellor.

Reports of Sexual Violence: USIU-Africa Security

0730 116 266/583/320
0730 116 774/644/219
USIU-Africa Health Center
0730116759/ 0730116762
USIU-Africa Counseling Center
0730116 797/748.

Medical Attention:

Psychological Support:

If you are away from campus, seek attention from the nearest emergency room or medical provider. Emergency assistance from police or medical personnel, call 999 or 112 from a mobile phone. The highest level of anonymity and confidentiality will be maintained at all times for people who report cases of sexual harassment and violence.

What will happen to my complaint?

Involved parties will be notified in writing of the complaint and of their rights in the process. Investigation will be done, the charge brought before the accused, the matter will be referred to a disciplinary committee reflecting diversity in the university for hearing, with evidence, fairness and in a timely manner, a decision will be made if there is violation of the policy, sanctions ranging from Disciplinary Warning, Probation Level I and II, Interim Suspension and Suspension will be taken. The accused has a right to appeal within 5 working days of receipt of the letter and receive a response after 10 calendar days from the VC whose decision shall be final.

What is my role and that of the university?

All USIU –Africa leadership and management have a role to prevent, create awareness and manage sexual harassment in the university. All members of USIU– Africa have a role to comply with the policy by obtaining and signing for a copy and modeling appropriate standards and professional behavior that will steer USIU Africa to be a premier university with an education that takes us places.

Checklist For Sexual Harassment

- Leering at a person or parts of their body in a sexually suggestive manner
- Touching or fiddling with a person's clothing including lifting up of skirts or shirts,
- flicking bra straps or putting hands in a person's pocket
- Blocking the victim's path in an aggressive way
- Standing very close to the victim which makes him/her uncomfortable
- Non-consensual kissing or kissing attempts
- Rubbing one's genitals on a person
- Attempt or actual sexual assault (Rape)
- Indecent exposure of one's genitalia
- Stalking with an intention to sexually harass the victim
- Obscene gestures,
- Groping
- Subtle pressure for sexual activity
- Unwelcome/uninvited physical contact such as massaging a person without invitation, hugging, pinching, patting, grabbing in a sexual manner
- Demeaning references to either the male or female gender
- Comments that are sufficiently offensive to cause discomfort and interfere with work or learning
- Disparaging remarks about one's gender or physical appearance
- Sex based insults, taunts, teasing or name calling
- Verbal sexual abuse disguised as humor
- Making promises or threats in return for sexual favors
- Requests or demands for sex or repeated unwanted requests to go out on dates after prior refusal
- Intrusive questions or insinuations about an individual's private life
- Suggestive sexually demeaning remarks, comments or jokes
- Smutty jokes or comments about the victim's body or clothing
- Whistling, catcalls
- Comments or questions about the victim's social or sexual life
- Demands for sexual favors and threats of firing if the demands are not met, sudden criticism of one's work, assigned no work/too much work, dangerous work, denial of opportunities , inaccurate job evaluation or marking, pressure to quit
- Obscene communication and unwanted sexual innuendos
- Displaying sexually graphic materials including posters, magazines, cartoons, graffiti or messages left on notice boards, desks or common areas
- Sending or forwarding sexually explicit emails or text messages or emailing offensive "jokes" and pornographic material
- Inappropriate advances on social networking sites
- "Flashing" or making obscene sexual gestures
- Accessing sexually explicit internet sites, downloading offensive screen savers and loading them into a colleagues' computer or shared university computers
- Technological sexual harassment is the inappropriate use of photography, email and internet.
- Gender Harassment: Generalized sexist statements and behavior that convey insulting or degrading attitudes about both men and women. Examples include insulting remarks, offensive graffiti, obscene jokes or humor about both genders.
- Seductive Behavior: Unwanted, inappropriate and offensive sexual advances. Examples include repeated unwanted sexual invitations, insistent requests for dinner, drinks or dates, persistent letters, phone calls and other invitations.
- Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle.
- Sexual Coercion :Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotions, and threat of termination.
- Sexual violence is a sexual act (including, sexual assault) that is perpetrated against a person's will or without a person's consent, or when a person is incapable of giving consent due to his or her age, family relation to the other person, the ingestion of drugs or alcohol, or the person's intellectual or other disability.
- Sexual assault is any involuntary sexual act in which a person is coerced or physically forced to engage in sexual acts against their will. It includes rape (such as forced vaginal, anal or oral penetration, penetration with a foreign object).